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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,121	10/17/2001	Mark Maggenti	000211D3	3323

23696 7590 12/19/2003

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/045,121

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigler et al. (U.S. Patent No. 5,717,830/ or "Sigler" hereinafter).

Regarding claims 1-18, Sigler discloses an exact system and method for a push-to-talk communication device to participate in a group communication net over a distributed network (Figs 1 & 9 for including other networks such as PSTN, MTS, private networks even to LAN and WAN networks including the Internet with IP or TCP/IP of the Internet are addressed in col. 1/lines 14-20 for satellite communication network, col. 3/line 64 to col. 4/line 11 for LAN/WAN, col. 13/lines 38-43 for mobile network, and in the Glossary, col. 44 & 49 for IP and TCP/IP). Within this communication system, Sigler discloses a system and its corresponding technique for competing between a first communication device and a second communication device for floor controlling, i.e., the priority in taking communication control over a closed group network, comprising the step of receiving the request from the second communication device and granting the floor control if the second communication device has a higher priority level by comparing the

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priority code for providing that communication device the right to have floor control (col. 25/line 45 to col. 26/line 20). Furthermore, Sigler further provides a method for registering and re-registering the users within the net by determining whether the user would like to join as participants in a net within a group communication network or not, for instance, allowing or unregistering the user to engage in the group communication, by sending a message to a communication device for determining whether the communication wishes to stay a participant in the net and listing the communication device as a participant in the net if the communication device responses or sends a response within a predetermined time period (col. 17/line 38 to col. 18/line 36 for the user engages in the net communication group or deactivating from it; and col. 22/line 50 to col. 23/line 44 for call monitoring whether a communication device is active or not within a net communication group); including of a dormant mode, wherein the group communication net is capable of offering, as a user is being detected for inactive for a period of time and a technique for reactivate the standby mode or dormant mode as with the user's activation prompting the controller to activate the group communication net (col. 30/line 54 to col. 32/line 25 for standby modes); and wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device (col. 10/lines 10-24 & col. 17/line 25 to col. 18/line 8), including the method of handling or processing packet data with a transmitter and receiver to send and receive packet data (col. 35/lines 20-24 as user routes messages using Mobile Packet Data Service), further including a user activated mechanism for user to activate the transmitter or the push-to-

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talk communication device for transmitting the mentioned packet data (PTT button is used for activating the push-to-talk communication, col. 19/line 40 to col. 20/line 7) as well as the communication device is wireless (Fig. 1, and col. 16/line 61 to col. 17/line 7 for mobile users addressed), including a memory within the wireless device (for storing ID into a memory, in col. 21/lines 8-15), and a database for storing packet data for until the controller is ready to receive the packet data (Fig. 3 for a data hub in handling MET user packet switched); a controller as NOC oversees the operation of the system in managing and controlling system resources regarding the group communication net (Figs. 3-4, 8-9, and col. 3/line 64 to col. 4/line 3) further including a priority service (col. 20/lines 8-15) such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (col. 9/lines 45-64 & col. 36/lines 44-67 for priority and dynamic features) and a secure mode (col. 26/line 54 to col. 28/line 55 for encryption and techniques for ensuring anti-fraud acts and securing technique with encryption algorithm); the communication device further including identification information, as well as a cellular ESN for identifying each mobile user by identification updates or matching that ESN to home cellular carrier (col. 34/lines 33-37), and updated information can be done or changed with new information (col. 20/lines 23-34 & Fig. 9 for mobile users in different nets).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Garner (US Patent 6,058,307) teaches priority service within a PTT network.

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4. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
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**or faxed to:**

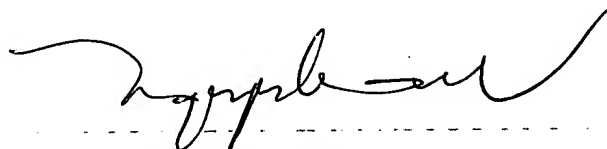
**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



**TONY T. NGUYEN  
PATENT EXAMINER**

Tony T. Nguyen  
Art Unit 2685  
December 12, 2003